

RURAL ZONES

Chapter 17.42

RURAL AREA ZONING SUMMARY

Sections:

- 17.42.010 Purpose.
- 17.42.020 Conflicts.
- 17.42.030 General conditions.
- 17.42.040 Land use summary –
Local areas of more
intensive rural
development.
- 17.42.050 Land use summary –
Rural lands.

17.42.010 Purpose.

Rural lands are divided into a number of zoning districts. The uses permitted in each of the zoning districts are set forth on a zoning chart which is intended to identify uses and limitations. [Ord. 1179, 2002]

17.42.015 Conflicts.

Where there are conflicts between the text and the zoning summary charts below at LCC 17.42.030 and 17.42.040, said charts shall prevail. [Ord. 1179, 2002]

17.42.020 General conditions.

In order to assure protection of the elements of rural character defined in state law, Lewis County has identified a four-tier system of uses in rural lands. The four tiers are as follows:

- Tier I: Permitted uses commonly found in rural areas of Lewis County.
- Tier II: Administrative review and special use permits to assure that the project is consistent with development regulations and meets the rural cluster standards for Lewis County.
- Tier III: Uses commonly found in and appropriate for rural areas, but limited in number, reflecting the need to avoid undue proliferation so as to protect rural character.
- Tier IV Master Planned Resorts, Fully-Contained Communities, and Major Industrial sites which may be located in rural areas if they meet the statutory criteria for siting.

[Ord. 1179, 2002]

17.42.030 Land use summary – Local areas of more intensive rural development.

See, Table 1, below. [Ord. 1179, 2002]

TABLE 1: Rural Area Land Use – LAMIRDS Zoning Summary

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/Shoreline Residential
I II	Sales service (non-resource use)	P - to 10,000 ft ² SUP- >10,000ft ²	X	P - related to industrial or resource use	P - < 5,000ft ² (small scale)	P – to 10,000 ft ² per use	X
I II	Retail sales (non-resource use)	P – to 10,000 ft ² SUP- >10,000ft ²	X	P - related to industrial or resource use	P- < 5,000ft ² (primarily serve local)	P – to 10,000 ft ² per use	X
I	Professional services (includes offices) (non-resource use)	P	X	P	P- < 5,000 ft ²	P	X
II n/a	Essential public facilities – Local Major	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP
I	Public facilities, public services, and utilities	P	P	P	P	P	P
I	Schools, cemeteries, religious, community centers	P	P	X	P	P	P
I	Recreation, hospitality, and tourist: Bed and breakfast (up to 10 guest suites); Motels (100 units); Restaurants (150 seats)	P P P P	P X X	X X X	P P X X	P P P	P X X
I	Residential single family, 4 units/acre	P	P	X	P on existing lots	X (except caretaker)	n/a
I	Residential Centers	n/a	n/a	n/a	n/a	n/a	Density set on map
I	Residential: duplex, multifamily, 6 units/ac.	P	P	X	P on existing lots	X	X
I II	Retirement, boarding, convalescent home (not State licensed) 6 persons (in addition owner's family) > 6 persons	P SUP	P SUP	X X	P on existing lots SUP	X SUP	P SUP
II	Group Homes (applies to all State-licensed facilities)	SUP	SUP	X	X	X	SUP
II	Animal Kennels	SUP	X	SUP	SUP	SUP	X

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/Shoreline Residential
I	Home occupations (cottage industries) A. In existing residence or associated outbuild-ings, by owner-occupant, plus 2 nonresident FTE. No exterior appearance of the business except a small sign. No vehicles used off-site for the business; okay to park vehicles overnight.	P	P	P	P	P	P
II	B. Businesses with up to 5 on-site nonresident FTE plus owner-occupant. May include new structures up to 5,000 ft ² .	A	A	A	A	A	X
II	C. Uses permitted through the special use permit process, Up to 10,000 ft ² with up to 10 nonresident FTE on site.	SUP	SUP	SUP	SUP	SUP	X
II	Manufacturing, assembly, and process of goods	SUP- to 5,000ft ²	X	P to 20,000ft ² SUP >20,000 ft ²	X	SUP- to 10,000ft ²	X
II	Storage, transportation & handling of goods	SUP- to 5,000ft ²	X	P to 20,000ft ² (via Tier I) SUP >20,000 ft ²	X	SUP- to 10,000ft ²	X
II	Shoreline uses from (SMP) Shoreline Master Program – Permit exempt Shoreline permit also required for non-exempt activity within 200 ft of shoreline	P (Use density, DRs, or SMP, whichever is more restrictive)	P (Use density, DRs, SMP, whichever is more restrictive)	P (Use density, DRs, or SMP, whichever is more restrictive)	X	n/a	P (Use density, DRs, or SMP whichever is more restrictive)
I	On-site treatment/ storage of hazardous waste	P – accessory	P- accessory	P – accessory	P - accessory	P – accessory	P - accessory

KEY P = Permitted Use SUP = Special Use Permit
 A = Administrative Review X = Prohibited
 n/a = not applicable

17.42.40 Rural Area Land Use Zoning Summary

See, Table 2, below. [Ord. 1179, 2002].

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
I	Single Family Residential	P	P	P
I	Additional Residential	Family member unit limited	Family member unit limited	Family member unit limited
I	Family member unit	P	P	P
	Additional accessory use	P	P	P
III	Clustering: -Location: No more than 24 new cluster subdivision units in any ½ mile radius; provided such limit does not apply where there is a physical barrier visually separating the facilities -Size: [Most rural developments are 6 due to water right limitations] Cluster Subdivision—up to 6 Cluster Subdivision >6	P SUP	P SUP	P SUP
I	Cemeteries	P	P	P
I	Churches, up to 6,000 sq.ft., 5 acres developed	P	P	P
II	up to 10,000 sq.ft., on 10 acres	A	A	A
I	Schools -- in or within 5 miles of a small town	P	P	P
I	Community Centers, grange halls, buildings of public assembly up to 6,000 sq.ft., 5 acres developed	P	P	P
II	up to 10,000 sq.ft., on 10 acres	A	A	A
II	Group Homes (applies to all State-licensed facilities)	SUP	SUP	SUP
III	Retirement, convalescent homes, and similar uses not requiring State licensing. Number: Up to two per subarea; up to 6 persons; 7 – 20 persons	P SUP	P SUP	P SUP
II	Utilities, Roads, Support facilities; and public facilities, public services, including parks	A	A	A
II	Essential Public Facilities			
n/a	Local	SUP Amend CP	SUP Amend CP	SUP Amend CP
	Regional			
I	Home-Based Business (cottage industries) A. In an existing residence or associated outbuilding, by the occupant and 2 FTE employee(s), for a total of 3, where there is no outward manifestation of the business other than a small sign, or vehicles used off site for business purposes. Overnight parking of vehicles and offsite okay.	P	P	P
II	B. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft.	A	A	A
III	C. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. Special use – no more than 10 per subarea in planning.	SUP	SUP	SUP
III	Isolated Small Business (Non-Resource) A. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft.	A	A	A
III	-Number: No more than 20 per subarea B. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. -Number: No more than 20 per subarea	SUP	SUP	SUP
Section 1				
III	A. Bed and breakfast -Location: existing or new residential construction -Size: up to 10 rooms for rent Number: 2 new per subarea outside identified recreation area	P	P	P
III	B. Motels/Inns, up to 30 rooms -Location: arterial or state highway -Size: 5 acres or less -Number: 2 new units per subarea outside identified recreation areas	SUP	SUP	X

III	C. Country Inn -Location: Recreation areas -Size: 10-acre minimum lot size -Number: Two per subarea outside recreation area (no more than five total per subarea)	X	SUP	SUP
III	D. Food service establishments, up to 50 seats -Location: arterial or state highway -Size: 5 acres or less -Number: 2 per subarea outside identified recreation areas	SUP	SUP	X
III	E. Recreation service retail not to exceed 5,000 sq. ft. (Boat shop, boat & tackle shop, camping supplies, limited grocery and sundries, including storage) -Location: State highway or direct access to recreation area -Size: 2 acres or less, not to exceed 5,000 sq. ft. per building -Number: 4 new per subarea outside identified recreation areas	A	A	A
III	F. Campgrounds and Recreation Facilities -Location: Recreation areas -Size: Up to 100 sites and/or up to 10 acres	SUP	SUP	SUP
	Over 100 sites and/or up to 40 acres	RMP	RMP	RMP
IV	Over 100 sites and/or more than 40 acres	MPR	MPR	MPR
III	G. RV parks -Location: recreation areas or 2 miles from St. hwy -Size: Up to 100 sites and/or up to 10 acres	SUP	SUP	SUP
	Over 100 sites and/or up to 40 acres	RMP	RMP	RMP
IV	Over 100 sites and/or more than 40 acres	MPR	MPR	MPR
III	H. Convenience grocery or fuels -Location: on state highway or arterial -Size: one acre or less developed portion -Number: 2 new per subarea outside recreation areas (Permitted as accessory use to "E" above.)	P	P	P
II	I. Shoreline permitted/conditional uses per Shoreline Master Program and critical area requirements -SMA-exempt activities must be consistent with shoreline master program	A	A	A
II	SMA non-exempt activities -Residential uses must comply with zoning limits	Substantial Dev. permit	Substantial Dev. permit	Substantial dev. permit
III	J. Tourist/rest stops-Freeway, a cluster of uses -Location: on lots which have a portion within 500 ft. of an Interstate 5 on/off-ramp -Uses: A-D, G above -Size limits: double A-E, H above	A	A	A
III	K. Rural Resorts (replaces Stand-alone Resorts) -Location: recreation areas -Size: < 75,000 sq. ft. developed floor area and/or 15 acres impervious surface -Number: Two per subarea outside recreation areas (limit of five)	SUP	SUP	SUP
IV	Larger Projects	MPR	MPR	MPR
Section 2*				
II	A. New equestrian facilities with events up to 100 participants (up to 6 events per year may draw larger (e.g. 4H or similar) shows)	SUP	SUP	SUP
IV	Larger new facilities	MPR	MPR	MPR
II	B. Motor sports up to 20 acres developed	X	SUP	SUP
IV	Larger facilities	MPR	MPR	MPR
II	C. New or non-exempt commercial sport facilities (e.g. including but not limited to soccer, baseball, track and field)	SUP	SUP	SUP
I	Isolated commercial events (no permit facilities required) (e.g. soccer tournament)	P	P	P
II	D. New, outdoor pistol, rifle, skeet, and other related facilities	X	SUP	SUP
II	Indoor pistol, rifle, skeet, and other related facilities	A	A	A
II	E. New golf courses, driving ranges, and related facilities	SUP	SUP	SUP
IV	200 acres or less >200 acres -accessory uses must meet rural criteria	MPR	MPR	MPR
II	F. Special Purpose Subdivisions (such as Water Ski lakes, air parks, and equestrian subdivisions) -Location: In special subdivisions; requires subdivision approval	A	A	A

Section 3				
I	Animal Hospital/Boarding	P	P	P
II	New private Aviation Facilities, 9 or fewer permanently-based aircraft, or a private aviation subdivision	SUP	SUP	SUP
II	New public Aviation Facilities, 10 or more permanently-based aircraft (see LCC 17.115.30(6)(7)) [Essential Public Facility]	SUP	SUP	SUP
II	Expansion of existing, lawful Nonconforming Use			
II	A. Only on developed legal lot	A	A	A
II	B. Nonconforming uses may be changed to new nonconforming use, but new use must meet current critical area, road, stormwater, well, and septic criteria	SUP	SUP	SUP
I	Mineral Resource Use			
II	Below DNR threshold	P	P	P
II	New or expansion of existing approved mine area	SUP	SUP	SUP
I	Forest Resource Accessory Use, mills, log yards			
II	A. Temporary (less than 1 year/portable)	P	P	P
II	B. Permanent (fixed installation or more than 1 year)	P/SUP over 20 acres	P/SUP over 20 acres	P/SUP over 20 acres
I	Agricultural Uses	P	P	P

KEY: P = Permitted Use SUP = Special Use Permit
A = Administrative Review RMP = Rural Master Plan
X = Prohibited MPR = Master Planned Resort (County and State planning requirements)
MIP = Major Industrial Park (County and State planning requirements)

* [Section 2]Exempt Activities: Facilities used for personal or limited activities – no charge or cover costs.

Chapter 17.45

SMALL TOWNS — MIXED USE/COMMERCIAL (STMU)

Sections:

17.45.010	Purpose.
17.45.020	Permitted uses.
17.45.030	Accessory uses.
17.45.040	Special uses.
17.45.050	Prohibited uses.
17.45.060	Development standards.
17.45.070	Determination of adequate facilities.
17.45.080	Urban growth prohibited.

17.45.010 Purpose.

Small towns have been the historic, cultural, and commercial hubs for rural Lewis County. As such, public infrastructure including schools, fire, and often water systems are in place. The purpose of the Mixed Use/Commercial District is to provide land areas within the small towns for the siting of commercial uses which serve the surrounding community with a broad range of retail goods and services. Property within this district may also serve to meet the residential needs of the community in accordance with the capability of local facilities. The Mixed Use/Commercial Districts are designed to assure infilling consistent with surrounding uses and the existing public facilities and character of the area. [Ord. 1170B, 2000]

17.45.020 Permitted uses.

All permitted uses may be accomplished in stand alone facilities or in mixed use developments on a parcel or within one or more structures. The uses as shown in Table 1 at LCC 17.42.030 shall be allowed within this district. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.45.030 Accessory uses.

As defined at LCC 17.10.007, Accessory

Uses are considered part of the permitted uses. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.45.040 Special uses.

Special uses shall be allowed in this district as provided in LCC 17.115. See, Table 1 at LCC 17.42.030 for a listing of various types of special uses and criteria. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.45.050 Prohibited uses.

All other uses. [Ord. 1170B, 2000]

17.45.060 Development standards.

The following provisions shall apply to all uses within this district:

(1) Commercial uses. Permitted uses shall be limited so that no single occupancy exceeds 10,000 square feet. Larger occupancy may be approved through a special use permit process.

(2) Gateway communities. Small towns designated as gateway communities allow all commercial uses identified above and motels, conference, tourist service facilities, and may exceed the 10,000 square foot limitation where: (a) fire, water, waste disposal, and transportation facilities can adequately serve the facility, and (b) the facility can be screened from existing residential development to mitigate impacts on existing residential developments. Projects exceeding the 10,000 square foot limit shall proceed through a special use permit approval.

(3) Gateway communities may plan an area for a variety of gateway activities through a master plan. The same standards shall apply for development within the master plan as for special use.

(4) There shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of petroleum in service stations, and agricultural chemicals in accordance with liability requirements.

(5) There shall be no production of noise at any property line of any use in this district in excess of state noise guidelines at the boundary of the Mixed Use/Commercial zone.

(6) There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes in excess of SWAPCA* guidelines.

(7) The supplemental requirements of Chapter 17.145 LCC shall be met. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.45.070 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.45.080 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000] *[Note: SWAPCA has been redesignated as Southwest Washington Clean Air Agency (SWCAA)].

Chapter 17.50

SMALL TOWNS — RESIDENTIAL (STR-4)

Sections:

- 17.50.010 Purpose.
- 17.50.020 Permitted uses.
- 17.50.030 Accessory uses.
- 17.50.040 Prohibited uses.
- 17.50.050 Maximum density.
- 17.50.060 Development standards.
- 17.50.070 Determination of adequate facilities.
- 17.50.080 Urban growth prohibited.

17.50.010 Purpose.

To promote and protect areas within Lewis County small towns which were historically exclusively residential in character. [Ord. 1170B, 2000]

17.50.020 Permitted uses.

The uses as shown in Table 1 at LCC 17.42.030 shall be allowed within this district. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.50.030 Accessory uses.

As defined at LCC 17.10.007, Accessory Uses are considered part of the permitted uses. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.50.040 Prohibited uses.

All other uses. [Ord. 1170B, 2000]

17.50.050 Maximum density.

The maximum density in the R-4 zone shall be four units per gross acre. [Ord. 1170B, 2000]

17.50.060 Development standards.

All development shall be required to conform to the supplementary requirements of Chapter 17.145 LCC. [Ord. 1170B, 2000]

17.50.070 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.50.080 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

Chapter 17.55

SMALL TOWNS — INDUSTRIAL (STI)

Sections:

17.55.010	Purpose.
17.55.020	Permitted uses.
17.55.030	Accessory uses.
17.55.040	Development standards.
17.55.050	Determination of adequate facilities.
17.55.060	Urban growth prohibited.

17.55.010 Purpose.

Small towns in Lewis County, and particularly Packwood and Randle, have provided significant employment centers for substantial numbers of Lewis County rural residents, typically in the form of mills and companies servicing the forest products and agricultural industries. The purpose of the Small Town Industrial District is to assure that areas historically devoted to intensive employment activities are protected to enable communities to maintain or re-establish their economic base and to assure continuation of locations to provide services and support to maintain long-term commercially significant resource activities. [Ord. 1170B, 2000]

17.55.020 Permitted uses.

The uses as shown in Table 1 at LCC 17.42.030 shall be allowed within this district. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.55.030 Accessory uses.

As defined at LCC 17.10.007, Accessory Uses are considered part of the permitted uses. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.55.040 Development standards.

The following provisions shall apply to all uses within this district:

(1) For nonresource-based industries, individual uses shall not exceed 50,000

square feet per location.

(2) Uses in excess of 20,000 square feet shall be reviewed through a special use permit. See LCC 17.115.030(17B).

(3) The point of compliance for noise guidelines under WAC 173-60, together with any adjustment authorized therein, shall be the property line of the contiguous parcel on which the source of noise is located.

(4) There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes in excess of SWAPCA* guidelines.

(5) The supplemental requirements of Chapter 17.145 LCC shall be met. [Ord. 1170B, 2000]

17.55.050 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.55.060 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban

levels of public facilities or services. [Ord. 1170B, 2000]

*[Note: SWAPCA has been redesignated as Southwest Washington Clean Air Agency (SWCAA)].

Chapter 17.60

CROSSROADS COMMERCIAL (CC)

Sections:

17.60.010	Purpose.
17.60.020	Permitted uses.
17.60.030	Accessory uses.
17.60.040	Prohibited uses.
17.60.050	Maximum building size
17.60.060	Development standards
17.60.070	Determination of adequate facilities.
17.60.080	Urban growth prohibited.

17.60.010 Purpose.

The Crossroads Commercial District is identified for areas which have historically provided rural commercial services to residents in the rural areas. The purpose of the Crossroads Commercial District is to provide for small, concentrated land areas intended for retail sales of convenience goods and service to persons residing within a neighborhood trade or service area. District uses are designed as infill uses to compliment the service area and uses without expanding the uses outside the designated area. [Ord. 1170B, 2000]

17.60.020 Permitted uses.

The uses shown in Table 1 of LCC 17.42.030 shall be allowed within this district. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.60.030 Accessory uses.

As defined at LCC 17.10.007, Accessory Uses are considered part of the permitted uses. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.60.040 Prohibited uses.

All other uses. [Ord. 1170B, 2000]

17.60.050 Maximum building size.

(1) Maximum allowable floor area per occupancy shall not exceed 5,000 square

feet.

(2) The aggregate floor area of any commercial building within each crossroads commercial zone district shall not exceed 10,000 square feet. [Ord. 1170B, 2000]

17.60.060 Development standards.

The following provisions shall apply to all uses within this district:

(1) Except as provided in LCC 17.60.030(3) above, there shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of petroleum in service stations or agricultural products consistent with applicable label requirements.

(2) There shall be no production of noise at any property line of any use in this district in excess of state noise guidelines for commercial-to-residential properties at the boundary of the Crossroads Commercial District.

(3) There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes in excess of SWAPCA* guidelines.

(4) The supplemental requirements of Chapter 17.145 LCC shall be met. [Ord. 1170B, 2000]

17.60.070 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met

consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.60.080 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

*[Note: SWAPCA has been redesignated as Southwest Washington Clean Air Agency (SWCAA)].

Chapter 17.65

FREEWAY COMMERCIAL (FC)

Sections:

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| 17.65.010 | Purpose. |
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| 17.65.030 | Accessory uses. |
| 17.65.040 | Prohibited uses. |
| 17.65.050 | Development standards. |
| 17.65.060 | Determination of adequate facilities. |
| 17.65.070 | Urban growth prohibited. |

17.65.010 Purpose.

Lewis County is centrally located on Western Washington's principal traffic link, I-5. As the local economy has shifted away from historical resource uses, the freeway links in the community have historically provided crossroads commercial centers, focusing on the traveling public and serving resource industries, as well as local community services. The districts provide a base of support for county-wide resource activities and provide a base for needed economic activity and job growth, particularly transportation. The purpose of the Freeway Commercial District is to supply sufficient areas arranged in a concentrated form for land use activities which promote services to the traveling public, convenient access to major transportation routes, and provide areas for new commercial development which does not interfere with existing residential neighborhoods and result in new development beyond areas currently affected by the interchange or interchange oriented development. [Ord. 1170B, 2000]

17.65.020 Permitted uses.

The uses as shown in Table 1 at LCC 17.42.030 shall be allowed within this district. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.65.030 Accessory uses.

As defined at LCC 17.10.007, Accessory Uses are considered part of the permitted uses. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.65.040 Prohibited uses.

All other uses. [Ord. 1170B, 2000]

17.65.050 Development standards.

The following provisions shall apply to all uses within this district:

(1) The proposed use shall not be hazardous or disturbing to existing or future development within the district

(2) There shall be no production of noise at any property line of any use in this district in excess of state guidelines.

(3) There shall be no emission of significant quantities of dust, dirt, odors, smoke, or toxic gases and fumes in excess of SWAPCA* requirements.

(4) There shall be no off-site release to soil or surface drainage ways in violation of the requirements of Chapter 90.48 RCW.

(5) The supplemental requirements of Chapter 17.145 LCC shall be met.

(6) No use shall impose offsite impacts which endanger the traveling public on the freeway or interchange. [Ord. 1170B, 2000]

17.65.060 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord.

17.65.070 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

*[Note: SWAPCA has been redesignated as Southwest Washington Clean Air Agency (SWCAA)].

TOURIST SERVICE AREAS (TSA)

Sections:

17.70.010	Purpose.
17.70.020	Tourist service areas—gateway communities.
17.70.030	Definitions for tourist service areas—gateway communities.
17.70.040	Minimum criteria for tourist service areas—gateway communities.
17.70.050	Gateway community—future UGA designation.
17.70.060	Tourist service areas—recreation facility.
17.70.070	Definitions for tourist service areas—recreation facility.
17.70.080	Minimum criteria for tourist service areas—recreation facility.
17.70.090	Determination of adequate facilities.
17.70.100	Urban growth prohibited.
17.70.110	Process.

17.70.010 Purpose.

The Tourist Service Areas are floating zones created through a master plan process which are not tied to any particular property within the County, but which may be used by property owners within an identified area to accomplish specific purposes outlined in the comprehensive plan. [Ord. 1170B, 2000]

17.70.020 Tourist service areas—gateway communities.

The purpose of the designated gateway communities are to provide tourist and recreation facilities supporting the state and national park facilities of Lewis County and to facilitate a shift in timber impact areas from resource to tourist uses to restore a job base and tax base supporting existing small

towns. [Ord. 1170B, 2000]

17.70.030 Definitions for tourist service areas–gateway communities.

(1) “Gateway community” is a community so designated in the Lewis County comprehensive plan.

(2) “Gateway Tourist Service Area” means property within a gateway community which has been processed through the master plan process and which has a recorded final master plan.

(3) “Gateway Facilities” means facilities designed to accommodate the traveling public, including long-term and short-term rental residential uses, restaurants and inns, truck and auto service, groceries and supplies, service businesses directed to the recreational traveler, including guides, outfitters, museums, service stations, and similar uses.

(4) “Incidental uses,” within a gateway zone, means uses permitted within a mixed use zone other than tourist and recreation facilities defined above, and are permitted as an accessory use where such accessory uses occupy less than 20% of the overall gateway zone floor area. [Ord. 1170B, 2000]

17.70.040 Minimum criteria for tourist service areas–gateway communities.

(1) Lot size: The minimum lot size for a tourist service area–gateway community is 10 acres.

(2) Location: The lot must have not less than 250 feet of frontage on the primary access road to state or national parks.

(3) Public facilities and public services: The tourist service area–gateway community must provide or secure from local service providers, stormwater, waste water disposal, trash and solid waste facilities, parking and traffic controls, police and fire services, and other emergency services necessary to serve each gateway

zone use at the time the use receives its certificate of occupancy under the UBC.

(4) Planned facilities: The tourist service area–gateway community does not have any maximum size or regulatory limit on the uses provided. The concurrency requirements will necessarily define the physical limits to a particular gateway plan. [Ord. 1170B, 2000]

17.70.050 Gateway community–future UGA designation.

(1) A gateway community may receive grants or funding for publicly owned waste water treatment facilities, such as a sewer plant, to accommodate larger facilities within the gateway community. Where the gateway community can otherwise qualify for such funding, the County will process a comprehensive plan amendment to consider whether the gateway community meets the criteria for an “urban” designation under RCW 36.70A.110.

(2) The County is prepared to provide urban levels of service to such communities in contemplation of future incorporation where the community can demonstrate the potential for (a) a stable population and tax base capable of supporting incorporation, and (b) a proforma budget and capital facilities plan for a five-year operation of the proposed city within the proposed UGA.

(3) Such proposed cities must have a balance of residential and commercial properties and may not be simply the commercial core. To this end, the proposed UGA must demonstrate facilities for a permanent population of not less than 2500 residents at the end of a 20-year planning period. The UGA is expected to provide the tax base for the residential and commercial growth expected in the sewered gateway community.

(4) As part of such an approval and all subsequent development approvals, all properties within the gateway zone shall be required as a condition of development to

file a covenant running with the land requiring the owner or its successors to petition for incorporation or annexation, as may be appropriate, to assure that all properties located within the proposed UGA will ultimately be incorporated within the new City at the time the County determines that incorporation or annexation is appropriate. [Ord. 1170B, 2000]

17.70.060 Tourist service areas—resort or recreation facility.

The purpose of the tourist service areas—recreation facility is to enable the location of resort and recreational facilities authorized by the comprehensive plan and as defined below. Tourist service areas do not include facilities which require approval under RCW 36.70A.360 as a master plan resort. [Ord. 1170B, 2000]

17.70.070 Definitions for tourist service areas—resort or recreation facility.

(1) “Tourist service facility” means a stand alone destination resort or facility, such as White Pass or Cispus in Lewis County, or Skamania Lodge in Skamania County, Sleeping Lady in Leavenworth, or a major sport or recreational facility for competitions, fairs, or shows, which requires at least 40 acres or a shoreline location to serve its intended purpose. Such facilities provide a destination to the travelling public, but do not provide long-term residential or commercial facilities which would result in a recreational community as defined in RCW 36.70A.360. Tourist service facilities may include sport, competition, show, or recreation facilities including arenas, stadiums, tracks, halls, and/or ranges to serve uses including but not limited to auto, golf, skiing, horse riding or packing, river rafting and other recreational pursuits, or competitions requiring large acreages as well as incidental facilities as provided below.

(2) “Incidental facilities” means tourist service facilities including restaurants, short-term lodging, gas station, and commercial services directly related to the recreational activities available. Except as noted, all other service facilities shall be included within the primary tourist service structure. New permanent residential development is prohibited except as necessary accessory uses in accordance with RCW 36.70A.070(5)(d)(ii). [Ord. 1170B, 2000]

17.70.080 Minimum criteria for tourist service areas—resort or recreation facility.

(1) Lot size: The minimum lot size for a tourist service zone is 40 acres, except for facilities located in shoreline areas which may be 20 acres.

(2) Public facilities and public services: The tourist service zone must provide or secure from local service providers, stormwater, waste water disposal, trash and solid waste facilities, parking and traffic controls, police and fire services, and other emergency services necessary to serve each gateway zone use at the time the use receives its certificate of occupancy under the UBC. Such demonstration shall satisfy adequacy requirements under the mixed use process.

(3) Planned facilities: The tourist service master plans shall identify all planned facilities and uses for the property. Uses or facilities shall not be developed or used until identified on an approved map or amendment thereto. The adequacy requirements will necessarily define the physical limits to a particular tourist service zone plan.

(4) Public facilities and public services: New Public facilities and public services serving the approved tourist service zone shall be limited to approved uses within the master plan area and shall be expressly limited to serving the uses within the

approved final master plan.

(5) Location criteria: A tourist service facility may be located in any Rural Development District or shoreline tourist zone. A tourist service facility may be located in a designated long-term resource area so long as the activity does not diminish the overall productivity of the resource lands in the surrounding area. [Ord. 1179, 2002; Ord. 1170B, 2000]

described in Chapter 17.120 LCC. [Ord. 1170B, 2000]

17.70.090 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.70.100 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

17.70.110 Process.

Tourist service facilities shall be processed through the master plan process

Chapter 17.75

RURAL AREA INDUSTRIAL(RAI)

Sections:

- 17.75.010 Purpose.
- 17.75.020 Permitted uses—Curtis Industrial Park.
- 17.75.030 Permitted uses – Ed Carlson Memorial Field.
- 17.75.035 Permitted uses—General purpose rural industrial sites.
- 17.75.040 Concurrency.
- 17.75.050 Urban growth prohibited.

17.75.010 Purpose.

Rural Area Industrial sites are rural areas of more intense development under RCW 36.70A.070 and have been identified where industrial activities have existed historically and are planned for future activity, in concert with plans by public agencies. The purpose of this zone is to provide guidelines for development in such zones, and to insure that such zones do not create a need for urban services or lead to urban development in rural areas. [Ord. 1170B, 2000]

17.75.020 Permitted uses—Curtis Industrial Park.

(1) The Curtis Industrial Park includes lands used Weyerhaeuser for log yard and sorting yards and has potential for rail-oriented large scale industrial uses.

(2) Uses within the planned areas may be limited to rail-oriented industrial uses and/or resource uses and associated supporting uses, or general uses identified in Section 17.75.035, below. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.75.030 Permitted uses –Ed Carlson Memorial Field.

(1) The Ed Carlson Memorial Field is a municipal airport operated by Lewis County. The area identified as airport area is the area necessary to protect the airport from

incompatible uses, including residential development, and to assure the availability of air service to the south county area.

(2) Permitted uses shall include all aviation-related uses, and light industrial and warehouse, storage, and transportation facilities not inconsistent with the Ed Carlson Memorial Field Obstruction Zone (Chapter 17.85 LCC), provided that no use is permitted which requires municipal sewers for operation.

(3) Development shall be through a master plan process which identifies the airport comprehensive plan and associated compatible uses. No new development shall occur within the airport industrial zone until a master plan is approved. Existing uses are considered lawful uses and may be expanded consistent with the airport master plan through the binding site plan process.

(4) Uses within the planned areas shall be limited to industrial and/or resource use and associated supporting uses. All properties so designated shall be developed through a master plan process which identifies how the plan objectives for the site shall be met, including minimum planning block (a tract devoted to one or more primary uses) sizes for primary uses and airport related or dependent uses. The approach surface areas, as identified in the comprehensive plan, shall be restricted to conform with FAA guidelines. Residential uses shall be prohibited within the zone to protect the long-term viability of the airport.

(5) Uses within the planned areas shall be consistent with RCW 36.70A.547 to discourage the siting of incompatible uses adjacent to public aviation airports.

(a) The mapped area is the minimum area necessary to protect general airport activities.

(b) Incompatible uses shall include multifamily and clustered residential uses, places of public assembly, and medical facilities involving the care of people or animals. [Ord.1179,2002;Ord. 1170B, 2000]

17.75.035 Permitted uses – General purpose rural industrial sites.

All other designated rural industrial sites may be used for general purpose industrial, transportation, and associated activities, including warehousing and storage. Such uses are confined to the lot or lots designated and any permit for development or redevelopment within such site shall assure that the facilities used to serve the industrial and associated uses shall not be used to serve development outside the designated industrial areas, except consistent with the provisions of the uses permitted under charts shown in sections 17.42.030 and 17.42.040 above. [Ord. 1179, 2002]

17.75.040 Adequate facilities and services.

The applicant for any development permit shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.75.050 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

Chapter 17.80

**PACKWOOD AIRPORT
OBSTRUCTION ZONING (RA-P)**

Sections:

17.80.010	Short title.
17.80.020	Definitions.
17.80.030	Airport zones.
17.80.040	Airport zone height limitations.
17.80.050	Use restrictions.
17.80.060	Nonconforming uses.
17.80.070	Permits - Future uses.
17.80.080	Permits - Existing uses.
17.80.090	Permits - Nonconforming uses abandoned or destroyed.
17.80.100	Variances.
17.80.110	Obstruction marking and lighting.
17.80.120	Special use permit.
17.80.130	Fees.
17.80.140	Appeals - Procedure.
17.80.150	Appeal from the examiner.
17.80.160	Hearing notice.
17.80.170	Recessed hearings.
17.80.180	Enforcement.
17.80.190	Violation - Penalties.
17.80.200	Conflicting regulations.

17.80.010 Short title.

This chapter shall be known and may be cited as the Packwood Airport obstruction zoning chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 1, 1993]

17.80.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion.

(1) “Airport” means the Packwood

Airport.

(2) "Airport elevation" means the highest point of an airport's usable landing area measured in feet from sea level. This is 1,053 feet above mean sea level for the Packwood Airport.

(3) "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC 17.80.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) "Approach, transitional, horizontal, and conical zones" are set forth in LCC 17.80.030.

(5) "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(6) "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) "Height" means, for the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, the datum shall be mean sea level elevation unless otherwise specified.

(8) "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone. This is 1,203 feet above mean sea level for the Packwood Airport.

(9) "Nonconforming use" means any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

(10) "Obstruction" means any structure, growth, or other object, including

a mobile object, which exceeds a limiting height set forth in LCC 17.80.040.

(11) "Person" means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.

(12) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in LCC 17.80.030. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(13) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(14) "Structure" means an object, including a mobile object, constructed or installed by persons, including but without limitation buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(15) "Transitional surfaces" means those surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

(16) "Tree" means any object of natural growth.

(17) "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(18) "Visual runway" means a runway intended solely for the operation of aircraft

using visual approach procedures. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 2, 1993]

17.80.030 Airport zones.

(1) General. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Packwood Airport. Such zones are shown on the Packwood Airport approach and clear zone map, which will be made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(a) Visual Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide for Runway 1/19. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(c) Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(d) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 20:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 §3, 1993]

17.80.040 Airport zone height limitations

(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) Visual Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward (20:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(b) Transitional Zones. Slopes seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. The airport elevation is 1,053 feet above mean sea level.

(c) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,203 feet above mean sea level.

(d) Conical Zone. Slopes 20 feet outward for each foot upward (20:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 4, 1993]

17.80.050 Use restrictions.

(1) Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in

the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Uses within the mapped areas (see Map 82 at LCC 17.200.020(82)) shall be consistent with RCW 36.70A.547 to discourage the siting of incompatible uses adjacent to public aviation airports.

(a) The mapped area is the minimum area necessary to protect general airport activities.

(b) Incompatible uses shall include residential uses, places of public assembly, and medical facilities involving the care of people or animals. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 5, 1993]

17.80.060 Nonconforming uses.

(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Administrator under the procedures specified in LCC 17.80.070 through 17.80.130. No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable

regulation was adopted or than it is when application for a permit is made.

(2) Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 6, 1993]

17.80.070 Permits - future uses.

(1) Except as specifically provided in subsections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC 17.80.100.

(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones;

(3) In areas lying within the limits of the

approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones;

(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.080 Permits - Existing uses.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.090 Permits-Nonconforming uses abandoned or destroyed.

Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.100 Variances.

(1) The Lewis County hearing examiner shall hear and decide requests for variances from any person desiring to erect or increase

the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter.

(2) Application for a variance request shall be submitted to the Administrator and shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.

(3) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.

(4) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.

(5) Review of Variance Request by the Packwood Airport Board. No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the Packwood Airport board for advice as to the aeronautical effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his/her own to grant or deny said application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.110 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install,

operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.120 Special use permit.

Any use allowed under any other zoning ordinance which will be located in an approach zone shall be treated as a special use under that ordinance and shall be subject to all provisions and procedures required for special uses under that ordinance. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.130 Fees.

The fees for this chapter are set forth in Chapter 17.165 LCC. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 12, 1993]

17.80.140 Appeals - Procedure.

(1) Any person aggrieved, or taxpayer affected, by any decision of the Administrator made in his/her administration of airport zoning regulations adopted by this chapter may appeal the decision to the hearing examiner in accordance with Chapter 2.25 LCC to hear and decide such appeals. Similarly, if the board of county commissioners is of the opinion that a decision of the Administrator is an improper application of airport zoning regulations of concern to the board of county commissioners, the board of county commissioners may appeal to the hearing examiner to hear and decide such appeals.

(2) All appeals taken must be taken within 10 days after the Administrator has rendered his/her decision.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the

hearing examiner, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the hearing examiner or notice to the Administrator on due cause shown.

(4) The hearing examiner shall fix a reasonable time for the hearing of appeals within 45 days after the filing of the appeal, unless the examiner notices the parties with a written finding that a specific amount of additional time is needed for the hearing of an appeal. Public notice shall be given by publication of notice in the official newspaper of Lewis County not less than 10 days prior to the hearing. Following hearing the hearing examiner shall render its decisions within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

(5) The hearing examiner may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Administrator. [Ord. 1174A §4, 2001; Ord. 1174 §5, 2000; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 §10, 1993]

17.80.150 Appeal from the examiner.

A final decision from an appeal to the examiner may be appealed to that superior court of Lewis County, Washington, by means of a land use petition under Chapter 36.70C RCW for "land use decisions" as therein defined. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 11, 1993]

17.80.160 Hearing notice.

Each notice of hearing authorized by this chapter shall be published in the official newspaper at least 10 days prior to the date

of hearing.

(1) In addition, a notice of hearing on a variance or an amendment to the approach and clear zone map or text shall be mailed to all taxpayers of record whose lands are located within 500 feet of the lands for which the variance or map amendment has been requested. The mailing shall be to that address employed by the Lewis County treasurer for the mailing of property tax statements.

(2) The failure of a person to receive the notice prescribed in this section is not jurisdictional and shall not impair the validity of the hearing.

(3) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 13, 1993]

17.80.170 Recessed hearings.

Any hearing authorized or required by this chapter may be recessed to a later time or date in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 13, 1993]

17.80.180 Enforcement.

It shall be the duty of the Administrator to administer and enforce the regulations prescribed herein. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 9, 1993]

17.80.190 Violation - Penalties.

(1) Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder, shall be subject to the penalties under LCC 1.20.020.

(2) In addition or in lieu of the above penalty, an action may be instituted in

superior court to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under authority of this chapter or Chapter 14.12 RCW, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 14, 1993]

17.80.200 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 15, 1993]

Chapter 17.85

ED CARLSON MEMORIAL FIELD AIRPORT OBSTRUCTION ZONING

Sections:

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- 17.85.180 Enforcement.
- 17.85.190 Violation - Penalty.
- 17.85.200 Conflicting regulations.

17.85.010 Short title.

This chapter shall be known and may be cited as the “Ed Carlson Memorial Field Airport Obstruction Zoning Ordinance”. [Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 1, 1996]

17.85.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion.

(1) “Airport” means the Ed Carlson Memorial Field.

(2) “Airport elevation” means the highest point of an airport's usable landing area measured in feet from sea level. This is 375 feet above mean sea level for the Toledo-Winlock Airport.

(3) “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC 17.85.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in LCC 17.85.030.

(5) “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(6) “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, the datum shall be mean sea level elevation unless otherwise specified.

(8) “Horizontal surface” means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone. This is 525 feet above mean sea level for the Toledo-Winlock Airport.

(9) “Nonconforming use” means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

(10) “Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC 17.85.040.

(11) “Person” means an individual, firm, co-partnership, association, corporation or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.

(12) “Primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in LCC 17.85.030. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(13) “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(14) “Structure” means an object, including a mobile object, constructed or installed by persons, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(15) Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

(16) “Tree” means any object of natural growth.

(17) “Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(18) “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 2, 1996]

17.85.030 Airport zones.

(1) General. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Toledo-Winlock Airport. Such zones are shown on the Ed Carlson Memorial Field approach and clear zone map, which will be made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.

(2) Establishment and Definition of Airport Zones.

(a) Visual Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide for Runway 5/23. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(c) Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(d) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and

extends outward and upward at 34:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 3, 1996]

17.85.040 Airport zone height limitations.

(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.

(2) Establishment of Height Limitations.

(a) Visual Runway Visual Approach Zone. Slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(b) Transitional Zones. Slope seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. The airport elevation is 375 feet above mean sea level.

(c) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 525 feet above mean sea level.

(d) Conical Zone. Slopes 34 feet outward for each foot upward (34:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 4, 1996]

17.85.050 Use restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this

chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 5, 1996]

17.85.060 Nonconforming uses.

(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the county Administrator under the procedures specified in LCC 17.85.070 through 17.85.130. No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when application for a permit is made.

(2) Marking and Lighting. Notwithstanding the preceding provision of the section, the owner of any existing

nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 6, 1996]

17.85.070 Permits - Future uses.

(1) Except as specifically provided in sub-sections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC 17.85.100.

(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(3) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except

when such tree or structure would extend above the height limits prescribed for such approach zones.

(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.01, 1996]

17.85.080 Permits - Existing uses.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.02, 1996]

17.85.090 Permits - Nonconforming uses abandoned or destroyed.

Whenever the Lewis County Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.03, 1996]

17.85.100 Variances.

(1) The Lewis County hearing examiner shall hear and decide requests for variances from any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter.

(2) Application for a variance request shall be submitted to the Lewis County Administrator and shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.

(3) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.

(4) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.

(5) Review of Variance Request by the Ed Carlson Memorial FieldBoard. No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the Ed Carlson Memorial Fieldboard for advice as to the aeronautical effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his own to grant or deny said application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.04, 1996]

17.85.110 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be

necessary. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.05, 1996]

17.85.120 Special use permit.

Any use allowed under any other zoning ordinance which will be located in an approach zone shall be treated as a special use under that ordinance and shall be subject to all provisions and procedures required for special uses under that ordinance. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.06, 1996]

17.85.130 Fees.

The fees for this chapter are set forth in Chapter 17.165 LCC for each permit application, application to amend a permit, or variance application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.07, 1996]

17.85.140 Appeals - Procedure.

(1) Any person aggrieved, or taxpayer affected, by any decision of the Administrator made in his administration of airport zoning regulations adopted by this chapter may appeal the decision to the hearing examiner in accordance with Chapter 2.25 LCC to hear and decide such appeals. Similarly, if the board of county commissioners is of the opinion that a decision of the Administrator is an improper application of airport zoning regulations of concern to the board of county commissioners, the board of county commissioners may appeal to the hearing examiner to hear and decide such appeals.

(2) All appeals taken must be taken within ten days after the Administrator has rendered his decision.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the

hearing examiner, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the hearing examiner or notice to the Administrator on due cause shown.

(4) The hearing examiner shall fix a reasonable time for the hearing of appeals not within 45 days after the filing of the appeal, unless the examiner notices the parties with a written finding that a specific amount of additional time is needed for the hearing of an appeal. Public notice shall be given by publication of notice in the official newspaper of Lewis County not less than ten days prior to the hearing. Following hearing the hearing examiner shall render its decisions within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

(5) The hearing examiner may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Administrator. [Ord. 1174A §5, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 8.01, 1996]

17.85.150 Appeal from the examiner.

A final decision from an appeal to the examiner may be appealed to that superior court of Lewis County, Washington, by means of a land use petition under Chapter 36.70C RCW for “land use decisions” as therein defined. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 8.02, 1996]

17.85.160 Hearing notice.

Each notice of hearing authorized by this chapter shall be published in the official

newspaper at least 10 days prior to the date of hearing.

(1) In addition, a notice of hearing on a variance or an amendment to the approach and clear zone map or text shall be mailed to all taxpayers of record whose lands are located within 300 feet of the lands for which the variance or map amendment has been requested. The mailing shall be to that address employed by the Lewis County treasurer for the mailing of property tax statements.

(2) The failure of a person to receive the notice prescribed in this section is not jurisdictional and shall not impair the validity of the hearing.

(3) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 9.01, 1996]

17.85.170 Recessed hearings.

Any hearing authorized or required by this chapter may be recessed to a later time or date in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 9.02, 1996]

17.85.180 Enforcement.

It shall be the duty of the county Administrator to administer and enforce the regulations prescribed in this chapter. County planning staff shall have the duty to administer and approve permits. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 10.01, 1996]

17.85.190 Violation - Penalty.

(1) Each violation of this chapter or of any regulation, order, or ruling promulgated

hereunder shall be subject to the penalties under LCC 1.20.020.

(2) In addition or in lieu of the above penalty an action may be instituted in superior court to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under authority of this chapter or Chapter 14.12 RCW, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 10.02, 1996]

17.85.200 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 11, 1996]

Chapter 17.90

CHEHALIS-CENTRALIA AIRPORT OBSTRUCTION ZONING

Sections:

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17.90.040	Airport zone height limitations.
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17.90.200	Conflicting regulations.

17.90.010 Short title.

This chapter shall be known and may be cited as the "Chehalis-Centralia Airport Obstruction Zoning Ordinance." [Ord. 1170B, 2000]

17.90.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term "shall" is always mandatory and the word "may" indicates a use of discretion.

(1) "Airport" means the Chehalis-

Centralia Airport.

(2) "Airport elevation" means the highest point of an airport's usable landing area measured in feet from sea level. This is 174 feet above mean sea level for the Chehalis-Centralia Airport.

(3) "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC 17.90.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in LCC 17.90.030.

(5) "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 34:1 for a horizontal distance of 4,000 feet.

(6) "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, the datum shall be mean sea level elevation unless otherwise specified.

(8) "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone. This is 324 feet above mean sea level for the Chehalis-Centralia Airport.

(9) "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

(10) "Nonconforming use" means any preexisting structure, object of natural

growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

(11) "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(12) "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC 17.90.040.

(13) "Person" means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.

(14) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in LCC 17.90.030. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(15) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(16) "Structure" means an object, including a mobile object, constructed or installed by persons, including but without limitation buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(18) Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

(19) “Tree” means any object of natural growth.

(20) “Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(21) “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 1170B, 2000]

17.90.030 Airport zones.

(1) General. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Chehalis-Centralia Airport. Such zones are shown on the Chehalis-Centralia Airport Imaginary Surfaces Drawings, prepared in conjunction with the Airport Master Plan (2000), Map 85 at 17.200.020, which will be made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.

(2) Establishment and Definition of Airport Zones.

(a) Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(c) Horizontal Zone. The horizontal

zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(d) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 34:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1170B, 2000]

17.90.040 Airport zone height limitations.

(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.

(2) Establishment of Height Limitations.

(a) Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(b) Transitional Zones. Slope seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. The airport elevation is 174 feet above mean sea level.

(c) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 324 feet above mean sea level.

(d) Conical Zone. Slopes 34 feet outward for each foot upward (34:1) for 4,000 feet beginning at the periphery of the

horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000]

17.90.050 Use restrictions.

(1) Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Uses within the mapped areas (see Map 84 at LCC 17.200.020(84)) shall be consistent with RCW 36.70A.547 to discourage the siting of incompatible uses adjacent to public aviation airports.

(a) The mapped area is the minimum area necessary to protect general airport activities.

(b) Incompatible uses shall include residential uses, places of public assembly, and medical facilities involving the care of people or animals. [Ord. 1170B, 2000]

17.90.060 Nonconforming uses.

(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration

of which was begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Administrator under the procedures specified in LCC 17.90.070 through 17.90.130. No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when application for a permit is made.

(2) Marking and Lighting. Notwithstanding the preceding provision of the section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000]

17.90.070 Permits - Future uses.

(1) Except as specifically provided in subsections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the

affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC 17.90.100.

(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(3) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.

(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000]

17.90.080 Permits - Existing uses.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000]

17.90.090 Permits - Nonconforming uses abandoned or destroyed.

Whenever the Administrator determines

that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000]

17.90.100 Variances.

(1) The Lewis County hearing examiner shall hear and decide requests for variances from any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter.

(2) Application for a variance request shall be submitted to the Administrator and shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.

(3) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.

(4) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.

(5) Review of Variance Request by the Chehalis-Centralia Airport Board. No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the Chehalis-Centralia Airport board for advice as to the aeronautical effects of the variance.

If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his/her own to grant or deny said application. [Ord. 1170B, 2000]

17.90.110 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000]

17.90.120 Special use permit.

Any use allowed under any other zoning ordinance which will be located in an approach zone shall be treated as a special use under that ordinance and shall be subject to all provisions and procedures required for special uses under that ordinance. [Ord. 1170B, 2000]

17.90.130 Fees.

The fees for this chapter are set forth in Chapter 17.165 LCC. [Ord. 1170B, 2000]

17.90.140 Appeals - Procedure.

(1) Any person aggrieved, or taxpayer affected, by any decision of the Administrator made in his/her administration of airport zoning regulations adopted by this chapter may appeal the decision to the hearing examiner in accordance with Chapter 2.25 LCC to hear and decide such appeals. Similarly, if the board of county commissioners is of the opinion that a decision of the Administrator is an improper application of airport zoning

regulations of concern to the board of county commissioners, the board of county commissioners may appeal to the hearing examiner to hear and decide such appeals.

(2) All appeals taken must be taken within 10 days after the Administrator has rendered his/her decision.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the hearing examiner, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the hearing examiner or notice to the Administrator on due cause shown.

(4) The hearing examiner shall fix a reasonable time for the hearing of appeals within 45 days after the filing of the appeal, unless the examiner notices the parties with a written finding that a specific amount of additional time is needed for the hearing of an appeal. Public notice shall be given by publication of notice in the official newspaper of Lewis County not less than 10 days prior to the hearing. Following hearing the hearing examiner shall render its decisions within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

(5) The hearing examiner may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Administrator. [Ord. 1174A §6, 2001; Ord. 1174 §6, 2000; Ord. 1170B, 2000]

17.90.150 Appeal from the examiner.

A final decision from an appeal to the examiner may be appealed to that superior court of Lewis County, Washington, by

means of a land use petition under Chapter 36.70C RCW for “land use decisions” as therein defined. [Ord. 1170B, 2000]

17.90.160 Hearing notice.

Each notice of hearing authorized by this chapter shall be published in the official newspaper at least 10 days prior to the date of hearing.

(1) In addition, a notice of hearing on a variance or an amendment to the approach and clear zone map or text shall be mailed to all taxpayers of record whose lands are located within 500 feet of the lands for which the variance or map amendment has been requested. The mailing shall be to that address employed by the Lewis County treasurer for the mailing of property tax statements.

(2) The failure of a person to receive the notice prescribed in this section is not jurisdictional and shall not impair the validity of the hearing.

(3) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television. [Ord. 1170B, 2000]

17.90.170 Recessed hearings.

Any hearing authorized or required by this chapter may be recessed to a later time or date in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. [Ord. 1170B, 2000]

17.90.180 Enforcement.

It shall be the duty of the Administrator to administer and enforce the regulations prescribed in this chapter. [Ord. 1170B, 2000]

17.90.190 Violation - Penalty.

(1) Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall be subject to the penalties under LCC 1.20.020.

(2) In addition or in lieu of the above penalty an action may be instituted in superior court to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under authority of this chapter or Chapter 14.12 RCW, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1170B, 2000]

17.90.200 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [Ord. 1170B, 2000]

Chapter 17.95

RURAL RESIDENTIAL CENTERS (RRC)*

Sections:

- 17.95.010 Purpose.
- 17.95.020 Permitted uses.
- 17.95.030 Accessory uses.
- 17.95.040 Prohibited uses.
- 17.95.050 Maximum density and minimum lot size.
- 17.95.060 Development standards.
- 17.95.070 Determination of adequate facilities.
- 17.95.080 Urban growth prohibited.

17.95.010 Purpose.**

Rural Residential Centers are areas in rural Lewis County which historically had development and facilities at densities and intensities greater than rural development, but outside of urban growth areas and authorized in accordance with RCW 36.70A.070(5)(d)(i). The zones are necessarily limited to areas of existing development or development impact and defined by logical boundaries and service areas. This chapter provides guidelines for residential development in rural residential centers and shoreline-related development in designated shoreline areas to assure infilling consistent with surrounding uses and the existing public facilities and character of the area. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.95.020 Permitted uses.

The following uses shall be allowed within this district:

- (1) One single-family dwelling per lot.
- (2) Noncommercial neighborhood parks and public recreation facilities.
- (3) Public facilities and public services.
- (4) Public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.

(5) Churches, educational and religious training institutions, summer camps and cemeteries.

(6) Bed and breakfast lodgings.

(7) Retirement, boarding and convalescent homes.

(8) Community clubs and recreation centers.

(9) Utilities.

(10) Similar uses typically found in residential neighborhoods and approved by the Administrator.

(11) Within shoreline areas all uses authorized under the Lewis County shoreline master program for the particular shoreline designation shall be considered permitted uses within this zone and shall be processed as required by the shoreline master program. [Ord. 1170B, 2000]

17.95.030 Accessory uses.

The following accessory uses shall be allowed in this district:

(1) Home occupations pursuant to Chapter 17.160 LCC.

(2) Other accessory uses incidental to the primary permitted use.

(3) A temporary second dwelling pursuant to Chapter 17.160 LCC. [Ord. 1170B, 2000]

17.95.040 Prohibited uses.

All other uses. [Ord. 1170B, 2000]

17.95.050 Maximum density and minimum lot size.

Designation criteria. The maximum density and minimum lot size shall be set to reflect the historic development pattern to assure infilling is accomplished at the same or similar density.

(1) For areas designated one unit per ½ acre, the maximum density shall be two units per gross acre. Such areas shall be designated “R-.5A” on the official zoning map.

(2) For areas designated one unit per

acre, the maximum density shall be one unit per gross acre. Such areas shall be designated “R-1A” on the official zoning map.

(3) For areas designated one unit per two acres, the maximum density shall be one unit for each two gross acres. Such areas shall be designated “R-2A” on the official zoning map.

(4) Where the average existing lot size is less than one half acre or where the property is served by a waste water facility with a defined service area, then the minimum lot size shall be specified on the map and, where applicable, shall be consistent with the sewer comprehensive plan, but shall only be used to serve infill and not to extend to undeveloped areas. [Ord. 1170B, 2000]

17.95.060 Development standards.

All development shall be required to conform to the supplementary requirements of Chapters 17.130, 17.145, and 17.150 LCC. On any properties abutting a shoreline, the requirements of the Lewis County Shoreline Master Program shall also be applicable. [Ord. 1170B, 2000]

17.95.070 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.95.080 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

*[Note: originally adopted as “RCC” as a scrivener’s error, and corrected on codification]

**[Note: “suburban enclave” language has been replaced on codification with “rural residential centers” language in accordance with redesignation of this Chapter].

Chapter 17.100

RURAL DEVELOPMENT DISTRICT (RDD)

Sections:

- 17.100.010 Purpose.
- 17.100.015 General guidelines.
- 17.100.020 Permitted uses.
- 17.100.030 Accessory uses.
- 17.100.040 Special uses.
- 17.100.050 Prohibited uses.
- 17.100.060 Design standards.
- 17.100.070 Reserve tract.
- 17.100.080 Development standards.
- 17.100.090 Determination of adequate facilities.
- 17.100.100 Urban growth prohibited.
- 17.100.110 Rural airport overlay requirements.
- 17.100.120 Density bonus for cultural and historic sites.

17.100.010 Purpose.

The Rural Development District is the portion of land in Lewis County not otherwise designated. While the Rural Development District has an overall density designation of one unit per five acres, one unit per ten acres, one unit per twenty acres, the combinations of steep slopes, tight soils, flood plains, and unbuildable critical areas will provide a wide variety of rural residential densities, and will preserve the rural character of the county while providing reasonable opportunity for any low density development. The purpose of this chapter is to achieve a variety of lot sizes, protect rural character, and protect small rural business which have historically served the citizens of Lewis County. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.100.015 General Guidelines.

(1) The Zoning Districts. The Rural Development District is divided into three density districts:

(a) Rural development district at one dwelling unit per five acres (RDD 1-5),

(b) Rural development district at one dwelling unit per ten acres (RDD 1-10), and

(c) Rural development district at one dwelling unit per twenty acres (RDD 1-20).

In the RDD 1-10 District, all contiguous property 15-acres or larger, but is less than 20 acres, lot may be divided into two lots. In the RDD 1-20 District, all contiguous property 30-acres or larger, but is less than 40 acres lot may be divided into two lots. This provision is only applicable to legal lots of record in existence prior to the adoption date of May 12, 2002 and shall not apply to any lot created after that date. This provision is limited to a one-time division of property; no future multiple divisions are permitted.

(2) For purposes of subdivision, lot area shall be consistent with the methodology contained in RCW 58.17.040(2). [Ord. 1179B Ex. B, 2003; Ord. 1179, 2002]

17.100.020 Permitted uses.

The uses shown in Table 2 at LCC 17.42.040 shall be allowed within this district. [Ord. 1179, 2002; Ord. 1175 § 2, 2000; Ord. 1170B, 2000]

17.100.030 Accessory uses.

As defined at LCC 17.10.007, Accessory Uses are considered part of the permitted uses. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.100.040 Special uses.

All special uses authorized in Chapter 17.115 LCC shall be allowed in this district. Also, see Table 2 at LCC 17.42.040 for a listing of various types of special uses and criteria. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.100.050 Prohibited uses.

All other uses. [Ord. 1170B, 2000]

17.100.060 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

(1) The base residential density shall be one unit per five (R1-5), one unit per ten (R1-10), and one unit per 20 (R1-20) acres, which are mapped in accordance with criteria from the Comprehensive Plan. Also see Zoning Maps for specific sites. Minimum lot standards shall be consistent with County Health and Social Services Department requirements.

(2) Clustering is encouraged in rural lands to reduce the number of entrances onto public roads, and to reduce the disturbed areas resulting from rural area development and promote more cost-effective and service-efficient use of rural lands. Larger residual parcels in any clustered development may be used for any resource use, one residential lot, and/or any recreational, agricultural, or non-industrial/commercial use, consistent with County development standards and regulations. See LCC 17.115.030(10)* for specific requirements for clustered subdivisions having more than six units.

(a) Minimum lot size shall be determined by health and septic standards of the County. In residential districts, cluster developments require reserve areas and setbacks for all activities shall be 2X (double) the minimums from wetlands, streams, and steep slopes, including drain field standards as set forth in Ch. 8.40 LCC, on-site sewage regulations.

(b) Where a cluster program is chosen:

(i) Clustered building lots may be only created through the subdivision or short subdivision process.

(ii) Building lots should be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical

constraints of the site.

(iii) Where practical, the majority of building sites should be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the “reserve tract” to other uses in the future.

(iv) Driveways shall access internal roads and arterial access shall be limited to 500 foot separation.

(v) Common access to clustered building lots should be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the “reserve tract” for the purpose of use consistent with the comprehensive plan and this Title.

(c) Any proposed cluster in excess of six units shall be processed as a special use permit.

(d) Consideration in the development of any cluster should include:

(i) Careful location of designated open space to preserve large areas of open space.

(ii) Location of the cluster away from resource lands or provision of adequate buffers between clusters and resource lands.

(iii) Limitations on the size and density of the built area to prevent the need for urban levels of service. [Ord. 1179, 2002; Ord. 1170B, 2000] *[Note: scrivener’s error in referenced section corrected on codification]

17.100.070 Reserve tract

For the purposes of this section, “reserve tract” is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, open space, recreational facilities, or utilities. All “reserve tracts” created through the subdivision process shall be subject to the following provisions:

(1) After a site is initially subdivided pursuant to this section, the “reserve tract” may be retained by the subdivider, conveyed to residents of the subdivision or conveyed

to a third party. Once full density has been reached, the reserve tract may not be further subdivided for residential use until such time as the comprehensive plan is amended consistent with the Growth Management Act.

(2) The “reserve tract” may be considered as a building lot; provided that such lot is included in the overall density calculation of the original parcel of record.

(3) The “reserve tract” may not be further subdivided unless the subarea comprehensive plan and zoning have been updated as part of the normal process. [Ord. 1170B, 2000]

17.100.080 Development standards.

All development shall be required to conform to the supplementary requirements of Chapter 17.145 LCC. [Ord. 1170B, 2000]

17.100.090 Determination of adequate facilities.

The applicant for any development permit, except for a building permit for a single-family use on an existing lot of record, shall provide evidence in the form of a letter of availability from the local service providers for schools, water, and fire, where applicable, that the project can be accommodated within the existing system or, alternatively, adequate provision has been made to upgrade or otherwise increase capacity concurrently with the development impact. No development can be approved under this chapter without a written finding that adequacy requirements are met consistent with Chapter 17.130 LCC. [Ord. 1179, 2002; Ord. 1170B, 2000]

17.100.100 Urban growth prohibited.

The Administrator shall find that any project submitted for approval under this chapter is consistent with Chapter 17.150 LCC and that appropriate conditions are imposed to assure that “urban growth” as defined in RCW 36.70A.030(17) and as

prohibited outside urban growth areas by RCW 36.70A.110, does not occur as a result of the development in question, nor does the project create a need or demand for urban levels of public facilities or services. [Ord. 1170B, 2000]

17.100.110 Rural airport overlay requirements.

(1) Purpose. The purpose of the airport overlay requirements is to provide setbacks and building limitations in the vicinity of rural airports identified by the County on zoning maps as essential public facilities (including the Ed Carlson Memorial Field), to protect flight operations at the airport consistent with adopted master plans.

(2) Lateral setbacks. No buildings intended for use for multifamily and clustered residential purposes or places of public assembly shall be constructed within 500 feet of the centerline or end of the paved runway. This prohibition shall not apply to single-family residences, buildings intended for agricultural purposes, or accessory buildings to residential uses such as garages, shops, and similar structures, or all other uses allowed under Rural Development District zoning which do not constitute places of public assembly.

(3) Approach surface setbacks. Within such zones, no structures shall be constructed within 500 feet of the end of the runway. The prohibition shall not apply to buildings intended for agricultural purposes or accessory buildings to residential uses such as garages shops and similar structures constructed from 500 feet to 1,000 feet from the end of the runway. (See maps for reserved areas.)

(4) Clustering. The rural development zone permits clustering, and all land within either the designated lateral or approach surface setbacks shall be considered for determining overall density allocable to any property

(5) Notice and consent to air operations.

Any new division of land, or use of land, approved pursuant to Title 16 LCC within 1,000 feet of the boundaries of the airport property shall contain the following provision which shall be recorded on the face of the plat or instrument of title:

NOTICE: This property is located within 1,000 feet of an operating airport. The development approved for this site was approved with the condition that the owner consents to the use of the airport, in accordance with the approved master plan and laws governing the operation of aircraft, and shall make no claim against the airport owners, its operators, or the operators of aircraft using the airport by reason of noise or overflight of aircraft using the airport in accordance with such plan and governing laws. This condition touches and concerns the land, runs with the land, and shall be binding on all successors in interest. Property owners located within 1,000 feet of the boundaries of the Ed Carlson Memorial Field will be notified in writing of any changes being proposed to the airport's 1995 master plan.

[Ord. 1179, 2002; Ord. 1175 § 2, 2000; Ord. 1170B, 2000]

17.100.120 Density bonus for cultural and historic sites.

(1) Purpose. The purpose of this section is to provide incentives for the owners of property on which cultural or historic sites or structures are located to provide the opportunity for public and/or research access to the areas.

(2) Density Bonus. Where the owner of a property on which a cultural or historic structure or site is located designates the property for cultural or historic preservation and/or research, the owner shall be given a density credit equal to 2 times the density assigned to the property set aside. (A five-acre parcel would be assigned two units in the RDD, a 2.5-acre site or less would be

assigned 1 unit.) The allowed density bonus shall be written on the recorded instrument. Such bonus is a recognized property right which may be transferred by deed. The density bonus so transferred may be used on any property within the Rural Development District, consistent with the other requirements of that zone. Thus the owner of a 40-acre parcel, who acquired one or more of such rights would be entitled to develop on the 40-acre parcel, the 8 units assigned to the 40-acre parcel, and additional units acquired by reason of the density transfer provisions. The limit on the number of units so transferred shall be the limits of the property to which the density is otherwise transferred to meet the other requirements of Title 17 LCC.

(3) Designation. Designation may be accomplished for purposes of this section through dedication to a public agency, the recording of a covenant and easement protecting the site and assuring public and/or research access to the site. Before recording, any designation must be approved by the Administrator, in writing, to receive the benefits of this section. The site may be segregated by the short plat process if less than 5 acres, and the simple large lot process if over five acres but less than 20 acres, and such division of land shall be exempt from all public health or improvement requirements of Title 16 LCC (operation of any structure for public use or access would be subject to health, sanitary, and fire regulations and appropriate building codes).

(4) Eligibility. The Administrator shall determine that sites proposed for designation shall be listed on a state, federal, or locally recognized list of historic or culturally important areas or structures. For new sites, the property must be approved as eligible for inclusion on such lists by the controlling authority. The controlling authority of the list must also approve the size and nature of access granted as appropriate to the site

before the designation is approved.

(5) Limitation on authority. Designation under this section may only be requested by the owner of the property on which the site is located, and this section does not create any new criteria or rules governing the identification or use of such sites on private property. The sole purpose of this section is to encourage the set aside of such sites, where the owners choose to take advantage of this provision. [Ord. 1170B, 2000]

Chapter 17.102

FAMILY MEMBER UNITS AND ACCESSORY DWELLING UNITS

Sections:

17.102.010	Purpose.	
17.102.020	Applicability.	
17.102.030	Definitions.	
17.102.040	Implementation	-
	Separate units.	
17.102.050	Implementation	—
	accessory dwelling units.	
17.102.060	Enforcement.	

17.102.010 Purpose.

The purpose of this section is to encourage rural families to remain in Lewis County and continue the multiple generational patterns of historic land use and development, the economic use of existing housing stock, to advance and preserve farming as a way of life, and to promote affordable housing. Provisions of this section provide property owners who held large tracts of undivided land prior to the adoption and implementation of zoning regulations, options for continuation of a historical tradition of land succession and farming in rural Lewis County. [Ord. 1179B Ex. B, 2003; Ord. 1179, 2002]

17.102.020 Applicability.

(1) Rural districts (RDD zones) outside LAMIRD's.

(a) Separate residential units—
Where the intent is to convey property to qualified family members where farming is an ongoing activity or where the land is suitable for farming activities and where there is a benefit from protection of a portion of the land for farming activities.

(b) Accessory dwelling units—
Where a dwelling unit is created clearly accessory to the primary residential use, but where no subdivision of the land is intended or will be permitted. [Ord. 1179B Ex. B, 2003; Ord. 1179, 2002]

17.102.030 Definitions.

(1) "Family members" shall include only grandmothers, grandfathers, mother, father, sons, daughters, stepsons, stepdaughters, whether natural or adopted, for families on the property in question on the effective date of this ordinance.

(2) "Disability" means a situation where the owner of the designated property is prevented from full-time employment by reason of a physical or mental condition certified by a medical doctor.

(3) "Family emergency" means a situation where the owner of the designated property is involuntarily required to move from the property, due to health, requirements of a current employer, or involuntary termination of current employment. (County shall require proof of notice of requirements forcing involuntary action.) [Ord. 1179, 2002]

17.102.040 Implementation – separate units.

(1) Where the number of family members exceeds allowable density, a bonus density may be allowed under cluster subdivision provided that:

(a) The overall density does not exceed one unit per five acres and the unit cannot be transferred or sold for a period of 5 years, except for death, disability, or family emergency; and

(b) The proposed subdivision provides an opportunity for a family member to reside on or adjacent to a farm or parcel suitable for farming, protecting the farm or farmable land from inappropriate, non-farm uses. The Administrator shall include findings consistent with this provision when approving any density bonus and subdivision under provisions of this section; and

(c) As applicable to cluster subdivisions of six or more lots, all such requests for bonus density shall be reviewed

under the criteria of LCC 17.115.030(10); and

(d) This provision is only applicable to land in common ownership as of April 4, 2002; and

(e) The "parcel" eligible for bonus density under terms of this provision shall be the entire property in common ownership on April 4, 2002, as that property may be divided hereafter; and

(f) All divisions made after April 4, 2002 shall be considered in any requirements for bonus density; and

(g) The provisions of this section shall apply to the RDD 1-10 and RDD 1-20 zones only.

(h) The provisions of this section concerning family member units shall terminate on July 1, 2015.. [Ord. 1179B Ex. B, 2003; Ord. 1179, 2002]

17.102.050 Implementation – accessory dwelling units.

(1) Accessory dwelling units will be allowed in Lewis County to provide affordable low income housing to property owners. This would provide options for property owners who may have family members in need of low income housing or some minimal assistance care.

(a) There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family structure.

(b) All accessory dwelling units shall conform to the Uniform Building Code and all other applicable codes and ordinances.

(c) No more than one family shall be allowed to occupy an accessory dwelling unit.

(d) To ensure that the accessory dwelling unit is clearly secondary to the primary dwelling unit, the habitable floor area for the accessory dwelling unit shall in no case exceed 800 square feet, nor be less than 300 square feet, and the accessory

dwelling unit shall contain no more than two bedrooms.

(e) An accessory dwelling unit must be attached to or created within a new or existing primary single-family structure or associated accessory building, and may not be a separate, stand-alone unit.

(f) Prior to final approval of any structure for an accessory dwelling unit, the property owner shall file a covenant to run with the land, that the accessory dwelling unit shall not be cause for subdivision unless such subdivision is in compliance with all subdivision, zoning and other development regulations in effect at the date of application for subdivision approval.

(2) Guest house or rooms for guest in an accessory structure may be permitted in all residential districts, provided such house is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units. No kitchen shall be allowed in guest house or rooms. [Ord. 1179B Ex. B, 2003; Ord. 1179, 2002]

17.102.060 Enforcement.

(1) The restriction referenced above shall be recorded on the face of the plat of any lot created by the density bonus granted herein, including the date of the implementation and termination of the restriction.

(2) Property may be transferred to other qualifying family members without invoking the covenant.

(3) Any property transferred in violation of the covenant shall be liable for an assessment of a fee equal to 10% of the sale price or assessed value of the property, whichever is higher. The fee shall be assessed to the seller of the property. [Ord. 1179, 2002]

Chapter 17.105

RURAL AGRICULTURAL DISTRICT

Sections:

17.105.010	Purpose.
17.105.020	Process.
17.105.030	Application.
17.105.040	Review process.

17.105.010 Purpose.

The Rural Agricultural District is an overlay district in which property owners who wish to protect large unbroken tracts of land may create a zone which limits minimum lot size to very large tracts. [Ord. 1170B, 2000]

17.105.020 Process.

The applicants for such a zone shall petition the planning commission for a map amendment to create a Rural Agricultural District. The request shall be processed as a map amendment pursuant to Chapter 17.165 LCC. [Ord. 1170B, 2000]

17.105.030 Application.

(1) The application shall contain a map of the area to be included in the district and a list of all property owners of record by name and address.

(2) The application shall be accepted for review if signed by the owners of two-thirds of the property within the proposed zone. [Ord. 1170B, 2000]

17.105.040 Review process.

(1) The application shall be processed by the Planning Commission and County Commissioners as a map amendment to this title.

(2) Notice of the hearing shall be published and mailed to all property owners of record within the district.

(3) The minimum area for the zone shall be 80 acres.

(4) The density and minimum lot size

for the zone shall be specified in the petition and shall be one unit per 20 acres, 40 acres, or 80 acres as specified in the petition.

(5) If the map amendment is approved:

(a) Uses shall be limited to agricultural or timber resource, as specified on the map.

(b) No parcel may be created smaller than the minimum lot size, except as may be specifically approved through the review process.

(c) No use other than agriculture or timber resource shall be permitted, except as included in the petition and approved by the planning commission and board of county commissioners through the map amendment process.

(d) The special conditions of each map amendment approved under this chapter shall be included as a new section in this chapter. [Ord. 1170B, 2000]

Chapter 17.107

AGRICULTURE AND FOREST PROTECTION OVERLAY DISTRICT

Sections:

17.107.010 Purpose.

17.107.020 Development standards.

17.107.010 Purpose.

The purpose of this district is to provide protection for agriculture and forestry activities in Rural District outside resource lands, where conflict may arise between agriculture and forestry activity and other forms of development. The purpose of the district is to protect and encourage the preservation of larger farms and farm wood lots. [Ord. 1179, 2002]

17.107.020 Development standards.

Within the agricultural and forest protection overlay district, the following additional standards shall apply:

(1) A preferred use within such overlay zone is agriculture and timber management and production. Where an agricultural or timber use is consistent with an approved farm plan or local best management practices, such use shall be specifically considered a permitted use under this zone and protected by this overlay.

(2) Any new development approved in or adjacent to the overlay district shall include the limitation that no well intended for potable water supply shall be constructed within 100 feet of a property line boundary of any property which has been or may be used for commercial agriculture. This is to preclude potential conflict between potable water supplies and label requirements for use of fertilizers, pesticides, and herbicides, and requirements for animal waste management.

(3) Any new development within the agriculture and forest protection overlay

district shall contain a specific covenant that provides:

The owner(s) of any lot covered by this covenant, their heirs, successors, and assigns do hereby grant to adjacent property owners (whether abutting or across rights of way, streams or wetlands) the right to continued agriculture and forest activities in accordance with approved farm plans, or local best management practices where farm plans are not in place, and also where a special use permit is in place, as supplemented by the requirements of the special use permit.

(4) The owner(s), successors, and assigns of any lot covered by the covenant do agree to make no claim based on the potential consequences of agriculture and forest management and harvest activities conducted in accordance with the terms of the covenant.

(5) The overlay provisions shall apply to the following properties:

(a) Residential R1-5 District - those properties identified under an agriculture or timber tax designation, and

(b) Residential R1-10 and R1-20 Districts – all properties.

[Ord. 1179, 2002]